

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JERRY AYERS, KENNETH AYERS,
DYER BENNETT,
LORENA A. BENNETT, Administratrix
for the ESTATE OF JAMES V. BENNETT,
KENNETH BENNETT,
ERMA JoANN BENNETT, Administratrix
for the ESTATE OF ROMMIE BENNETT,
DAVID BERTELLI, JOSEPH BERTELLI,
RONALD B. BOSLEY, RICHARD L. HARRIS,
CECIL ISNER, DON R. JOHNSON, JR.,
LEONARD KERNS, GAILORD KITTLE,
DENNIS E. LAMBERT, FREDDIE H. LOUK,
WILLIAM McCALLISTER, DON McCAULLEY,
THOMAS ROWE, II, GARY ROY, RANDY RUSH,
CARLA J. BARLOW, Executrix for the
ESTATE OF LEWIS L. SCHEITLIN, JAMES SHAFFER,
LINDA C. SHANNON, Executrix for the
ESTATE OF MORRIS SHANNON,
DELMAS SHARP, DONALD H. SHAW,
VERL SIMMONS, LEWIS SUMMERFIELD,
GEORGE K. SWECKER, IRA TAYLOR,
ROBERT TETER, WILLIAM VALENTINE,
DELBERT VANDEVANDER, STEVEN WARNER
and CHRISTINA YANOSIK, Administratrix for
the ESTATE OF WALTER YANOSIK,

Plaintiffs,

v.

Civil Action No. 5:05CV95
(STAMP)

CONTINENTAL CASUALTY COMPANY
trading as CNA and
ALLEGHENY INSURANCE COMPANY, INC.,

Defendants.

ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT
GRANTING MOTION OF NON-PARTY DAVIS MEMORIAL HOSPITAL, INC.
TO QUASH SUBPOENA SERVED ON JULY 18, 2007

On July 23, 2007, this Court held a hearing on the "Motion of Non-Party Davis Memorial Hospital, Inc. to Quash Subpoena Served on July 18, 2007." As pronounced at the hearing, this Court finds that pursuant to Federal Rule of Civil Procedure 45(c)(3)(a) the

subpoena served on Davis Memorial Hospital, Inc. fails to allow a reasonable period of time for compliance with the subpoena. Accordingly, this Court pronounced that the movant's motion of non-party, Davis Memorial Hospital, Inc., to quash the subpoena served on July 18, 2007 is hereby GRANTED.

Further, this Court finds that, due to the complexity of the Health Insurance Portability and Accountability Act ("HIPAA") and the lack of information the movant and parties have provided to this Court, there can be no ruling on the HIPAA issues at this time. As stated at the hearing, this Court directs that the parties, prior to the filing of any further requests for subpoena for medical records in this civil action, meet and confer to attempt to determine and resolve any compliance issues regarding HIPAA.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein and Brent Copenhaver.

DATED: July 23, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE